



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
EDISON, NEW JERSEY 08837

October 31, 2013

Fred Mumford
New Jersey Dept. of Environmental Protection
Site Remediation Program
P.O. Box 413
Trenton, NJ 08625

Re: Barth Smelting Site

Dear Mr. Mumford:

As discussed in a conversation on October 23, 2013 between the U.S. Environmental Protection Agency (EPA) and the State of New Jersey Department of Environmental Protection (NJDEP), EPA is planning to initiate a Fund-financed removal action at the Barth Smelting Site pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). To ensure the continuing effectiveness of the removal action, institutional control activities are necessary.

The purpose of this letter is to inform the State of New Jersey about the use of institutional controls at the Barth Smelting Site.

Removal activities planned by EPA at the Site will include, but are not limited to:

- The removal of trees, shrubs and fencing as necessary for the removal of contaminated soil;
- The design and construction of erosion control measures, as necessary to prevent lead-contaminated soil from the 99 Chapel Street property portion of the Site to migrate onto adjacent unpaved play areas;
- Excavation and disposal of the lead-contaminated soil from the grassy play areas on the Terrell Homes property. The soil will be removed until the site cleanup criterion of 400 ppm is attained or to a maximum depth of one foot below grade; and
- Backfilling and restoring the excavated areas to pre-existing grade and pre-construction conditions.

EPA expects that the Fund-financed removal action will be completed during the spring of 2014, at which time institutional control activities must commence.

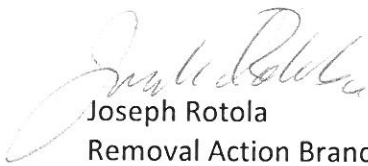
At this time, EPA anticipates the need for implementation of the following institutional controls:

- Deed Notice for 59-97 Chapel Street, Newark (Block 2442, Lot 1)
- Deed Notice for 99 Chapel Street, Newark (Block 2442, Lot 10)

These and any other actions necessary to ensure the effectiveness of the removal action are considered essential post-removal site control activities.

If you have any questions regarding these issues, please direct your inquiries to Kimberly Staiger at (732) 452-6415.

Sincerely,



Joseph Rotola
Removal Action Branch Chief
U.S. EPA Region 2

cc: Eric Wilson, ERRD-RAB
Kimberly Staiger, ERRD-RAB
Will Reilly, ORC-NJSB-NJST